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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,110	08/02/2001	David J. Luman	10007615-1	7053

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HEWLETT-PACKARD COMPANY
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EXAMINER

TRUONG, CAMQUY

ART UNIT PAPER NUMBER

2195

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,110

Applicant(s)

LUMAN ET AL.

Examiner

Camquy Truong

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack proper antecedent basis:

- i. The available resources – claims 8, 12, 18 and 20.

B. The claim language in the following claims is not clearly understood:

i. As to claim 1, 5, 8, 12, 15, 18 and 20, line 15, it is not clearly understood whether "particular device" refers to "first wireless device or second wireless device" in line 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (U.S. Patent 6,748,195 B1) in view of Hall et al. (U.S. Patent 6,230,004 B1).

5. As to claims 1 and 12, Phillips teaches the invention substantially as claimed including: a method for generating a virtual device comprising a plurality of wireless devices comprising a limited range communications apparatus (col. 2, lines 56-61; 12, 14, Fig. 1; col. 3, lines 20-23), the method comprising the steps of:

when a first wireless device is within the limited range of a second wireless device (col. 3, lines 20-23), each wireless device determining if the other wireless device comprise a sharable resource (col.2, lines 3-6);

if at least one of the first or second wireless devices comprise a sharable resource (col.2, lines 3-6), the first and second wireless devices forming a wireless network such that the sharable resource is used by the other wireless device when an event requiring the sharable resource is used by the other wireless device when an event requiring the sharable resource is received by the wireless network (col. 2, lines 24-26; col. 3, lines 10-16; col. 5, lines 35-47; col. 7, lines 18-20 and lines 46-47); and

after the wireless network is formed, storing within each wireless device a decision matrix comprising identification of each wireless device and available resources within the devices (Fig. 7; Fig. 8; col. 7, lines 20-33).

6. Phillips does not explicitly teach the step of automatically enable one of the wireless devices to borrow the available resources of another wireless device of the network when an events occurs on a particular device that the particular device cannot handle with the particular device's own resources. However, Hall teaches if the mobile communication device automatically determines that adequate resources are not available for performing the data processing operation, the mobile communication device sending to the external data processing resource for performing the data processing operation (col. 7, line 59- col.8, line 9).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Phillips and Hall because Hall's automatically enable one of the wireless devices to borrow the available resources of another wireless device of the

network when an events occurs on a particular device that the particular device cannot handle with the particular device's own resources would improve the efficiency of Phillips' system by providing the steps of borrow the available resources of other device when an events occurs on that the particular device cannot handle with the particular device's own resources to provide automatically update data or program memory within the mobile phone other than by doing so manually.

8. As to claim 5, it rejected as the same reason for claims 1 and 12. In addition, Phillips teaches each of the plurality of wireless devices that comprise the wireless distributed network (col. 3, lines 20-29).

9. As to claim 8, it reject for same reason as claims 1 and 12. In addition, Phillips teaches:

Generating a decision comprising an identification of each of the plurality of wireless devices and their corresponding shared resource (col. 2, lines 56-61; col. 8, lines 49-53);

A first wireless device of the plurality of wireless devices generating an event that requires a shared resource (col. 4, lines 61-65);

Consulting the decision matrix to determine which shared resources to utilize (col. 5, lines 14-18; col. 7, line 60-col. 8, line 2);

If the shared resource is not available, indicating the unavailability of the shared resource (col. 5, lines 25-34).

10. As to claim 15, it is rejected for the same reason as claims 1 and 12. In addition, Phillips teaches:

The personal wireless device and the public information database forming a network (col. 4, lines 46-48; 12 and 27 Fig. 1);

The personal wireless device requesting the an information transfer from the public information database (col. 5, lines 15-18 and lines 38-40); and

The public information database transferring the requested information to the personal wireless device (col. 5, lines 36-42).

11. As to claim 18, it is rejected for the same reason as claims 1 and 12. In addition, Phillips teaches the master wireless device saving the identification information and shared resource information regarding the first wireless device of the wireless (col. 6, lines 11-15 and lines 43-48; col. 7, lines 21-27).

12. As to claim 20, it is rejected for the same reason as claims 1, 12 and 18. In addition, Phillips teaches the second wireless device acting as a repeater for the first wireless device such that the first wireless device communicates with the other plurality of wireless devices through the second wireless device (col. 3, lines 20-28).

13. As to claim 2, Phillips teaches the sharable resources comprise at least one of: a display, a modem, a global positioning satellite receiver, processing time, and memory (col. 1, lines 32-33).

14. As to claim 3, Phillips teaches:

The first wireless device storing information comprising identification information regarding the second wireless device and information regarding the sharable resource (col. 6, lines 11-31; col. 7, lines 22-27);

the second wireless device storing information comprising identification information regarding the first wireless device and information comprising identification information regarding the first wireless device and information regarding the sharable resource (col. 7, lines 22-27; col. 6, lines 11-31).

15. As to claim 4, Phillips teaches the identification information comprise unique identification assigned to each wireless device (col. 2, lines 59-63).

16. As to claims 6 and 13-14, Phillips teaches the unique device identification comprise Bluetooth-compliant identification information (col. 3, lines 25-35).

17. As to claim 7, Phillips teaches determining if the first wireless device is a private device (col. 1, lines 20-25; col. 2, lines 59-63).

18. As to claim 9, Phillips teaches the resources comprise at least one of a display, a communication device, and processing time (col. 3, lines 5-9).

19. As to claim 10, Phillips teaches the first wireless device generating the event comprise the first wireless device receiving a file for display utilizing the shared resource of the wireless device having the resource (col. 5, lines 37-38; col. 7, lines 18-30).

20. As to claims 11 and 19, Phillips teaches the step of if the shared resource is no available, updating the decision matrix to indicate the unavailability of the shared resource (col. 5, lines 25-34).

21. As to claim 16, Phillips teaches the personal wireless device forming a network with other personal wireless devices in order to share the transfer information (col. 3, lines 10-23; col.7, lines 18-27).

22. As to claim 17, Phillips teaches the public information database comprise a local public telephone directory and the transferred information comprise a local telephone number (col. 1, lines 20-25).

Response to the argument

23. Applicant's arguments filed 3/2/2005 for claims 1-20 have been considered but are moot in view of the new ground(s) rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

November 15, 2004



LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER